

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/001,442 Confirmation No. 2397
Appellant : Mike SHELDON, *et al.*
Filed : October 31, 2001
Group Art Unit: 2179
Examiner : Ba Huynh
Title : METHOD AND SYSTEM FOR RENDERING DISPLAY
Docket No. : MFCP.81059
Customer No. : 45809

VIA EFS – 29 April 2008

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S APPEAL BRIEF

Dear Sir:

This is an Appeal from a Final Office Action mailed 26 December 2006, rejecting claims 1, 3-9, and 11-14. These claims have been at least twice rejected. Appellant, having received a favorable reply—mailed on 29 February 2008—to the petition to revive the patent application, hereby submits this Appeal Brief, within two months of the mailing date of the decision granting the petition, along with the fee set forth in 37 C.F.R. § 41.20(b)(2). The Commissioner is hereby authorized to charge any additional fee that may be due, or credit any overpayment, to Deposit Account No. 19-2112.

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I. REAL PARTY IN INTEREST

The real party in interest is Microsoft Corporation, a corporation of the State of Washington, United States of America.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1, 3-9, and 11-14 are pending, and the rejection of each of those claims is being appealed.

IV. STATUS OF AMENDMENTS

An amendment was filed on 23 February 2007, subsequent to the Final Office Action dated 26 December 2006. In the amendment, claims 1 and 14 were amended to correct minor informalities. In the advisory action mailed 24 May 2007, the Office indicated that the amendment filed on 23 February 2007 would be entered if the application was appealed. Subsequently, a Notice of Appeal was filed on 27 July 2007. A listing of all claims currently pending is reproduced in the Claims Appendix.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The instant Application includes three independent claims: 1, 8, and 14.

Claim 1

Independent claim 1 defines a method in a computer system for displaying a graphical window (204, 206) on a display screen (198) having a screen resolution. *Appellant's Specification* at page 12, ll. 1-3. The method determines, for the window (204, 206), whether a display size and display screen position are specified for the window (204, 206). *Appellant's Specification* at page 12, ll. 5-7. When a size and position are specified, the window (204, 206) is rendered at the specified size and in the specified position so that the window (204, 206) is not automatically maximized. *Appellant's Specification* at page 12, ll. 9-11. When the size and position are not specified, the method determines the screen resolution for the display screen, wherein the screen resolution does not change. *Appellant's Specification* at page 12, ll. 19-21. In turn, the screen resolution is compared against a pre-determined threshold value. *Id.* The size of the window (204, 206) on the display screen is automatically maximized, if the screen resolution is below the pre-determined threshold value. *Appellant's Specification* at page 13, ll. 2-4.

Claim 8

Independent claim 8 defines a method in a computer system having a graphical user interface including a display screen (198). *Appellant's Specification* at page 12, ll. 1-3. The method creates a viewing window (204, 206) for the display of information on the display screen (198). *Id.* The method determines, for the window (204, 206), whether a display size and display screen position are specified for the window (204,

206). *Appellant's Specification* at page 12, ll. 5-7. When a size and position are specified, the method renders the window (**204, 206**) at the specified size and in the specified position. *Appellant's Specification* at page 12, ll. 9-11. When the size and position are not specified, the method determines a current screen resolution, compares the current screen resolution with a selected resolution threshold, and automatically maximizes the size of the window (**204, 206**) on the display screen (**198**) if the current screen resolution is below the selected resolution threshold, wherein the current screen resolution does not change. *Appellant's Specification* at page 12, l. 19-page 13, l. 10.

Claim 14

Independent claim 14 defines a method in a computer system having a graphical user interface including a display screen (**198**). The method includes creating a viewing window (**204, 206**) for the display of information on the display screen (**198**), wherein the window (**204, 206**) has a restore button (**238**). *Appellant's Specification* at page 11, ll. 15-20. Additionally, the method determines, for the window (**204, 206**), whether a display size and display screen position are specified for the window (**204, 206**). *Appellant's Specification* at page 12, ll. 5-7. When a size and position are specified, the window (**204, 206**) is rendered at the specified size and in the specified position. *Appellant's Specification* at page 12, ll. 9-11. If the size and position are not specified, the method determines if the window (**204, 206**) is capable of being maximized on the display screen (**198**). *Appellant's Specification* at page 12, ll. 12-18. The window (**204, 206**) is automatically rendered in a maximized size on the display screen (**198**), if the window (**204, 206**) is capable of being maximized. *Appellant's Specification* at page 12, l. 19-page 13, l. 10. In turn, the method determines whether the restore button (**238**) has

been initiated when the window (204, 206) is a maximized size. *Appellant's Specification* at page 14, ll. 5-12. The size of the window (204, 206) is reduced on the display screen (198) by a pre-determined amount, if the restore button (238) has been initiated. *Id.*

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A) Whether claims 1, 3-9, and 11-14 are unpatentable under 35 U.S.C. § 103(a) over Rodden *et al.* (US Patent No. 6,437,102) and Buote *et al.* (US Patent No. 6,581,020).

VII. ARGUMENT

35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere Co.* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. *See, Application of Bergel*, 292 F. 2d 955, 956-957 (C.C.P.A. 1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR v. Teleflex* opinion, that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, No. 04-1350, 550 U.S. ____ (2007).

A) Rejection under 35 U.S.C. § 103(a) over US Patent No. 6,473,102 in view of US Patent No. 6,581,020.

Claims 1, 3-9, and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,473,102 (Rodden) in view of US Patent No. 6,581,020 (Buote). Appellant respectfully traverse this rejection, as hereinafter set forth.

As an initial matter, prior-art references that are contradictory, or teach away from each other or the claimed invention should not be combined to support a prima facie case of obviousness. *In re Bell*, 991 F.2d 781, 784, 26 U.S.P.Q.2D 1529 (Fed. Cir. 1993). A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant or if the reference suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant. *In re Gurley*, 27 F.3d 551, 553, 31 U.S.P.Q.2D 1130 (Fed.Cir.1994). If when combined, the references would produce a seemingly inoperative device, then they teach away from their combination. *In re Spinnoble*, 405 F.2d 578, 587, 160 U.S.P.Q. 237 (C.C.P.A. 1969); See also *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. (BNA) 1125 (Fed.Cir.1984) (finding no suggestion to modify a prior art device where the modification would render the device inoperable for its intended purpose).

Rodden and Buote teach away from each other. Rodden, at col. 4, ll. 43-47, teaches away from Buote because the determination disclosed by Rodden involves looking for a specified designation that keeps a window on screen and calculating both a preferred size and position for a window having the specified designation. This disclosure of Rodden is in clear conflict with Buote's express disclosure at col. 11, ll. 15-

20 that: (1) all windows are at 600x800 resolution; (2) when a display mode is set to 600x800, all windows are displayed in maximized mode; and (3) when the display mode is higher than 600x800, the windows are locked and in window-mode, which means that the windows cannot be resized. This direct conflict arises because Buote does not teach or suggest selectively altering the size of the window based on resolution. Rather, in Buote all windows are the same size without regard to screen resolution. In other words, all windows are rendered with a size of 600 pixels by 800 pixels by Buote. Therefore, when the display mode is 600x800, the windows are displayed and fully maximized because the size of the window matches the size of the display screen. When the display mode is greater than 600x800, all windows are in a locked mode because the size of the window is smaller than the size of the display screen. Because of the noted conflict, if Rodden is modified according to the constraints disclosed by Buote, then Rodden would no longer be operable to alter a window's size or position when an event that effects content being displayed on the desktop occurs. To one of ordinary skill in the art, the disclosure of Buote suggests setting all windows to 600x800. The skilled artisan would be discouraged from the alleged combination because Rodden's window management routine would be inoperable for its intended purposes. In other words, Rodden would no longer be able to selectively resize the window.

Moreover, Rodden and Buote teach away from the claimed invention. The claimed embodiments require, among other things, (1) maximizing a window when the **size** and position are **not specified** and the screen resolution is below a predetermined threshold and (2) reducing the size of the maximized window by a predetermined amount when a restore button on the maximized window is initiated (See, e.g., claims 1, 8 and

14). Rodden, at col. 4, ll. 10–60, discloses a window management system that automatically repositions or resizes windows having a specified designation when one or more events, such as screen configuration changes that effect the display of content, occur. On the other hand, Buote, at col. 11, ll. 1–30, discloses window constraints that provide a consistent look for major functional screens by specifying a size and screen layout for all windows. A reasonable reading of Rodden and Buote, alone or in combination, do not fairly teach, suggest, or provide a motivation for, among other things, the claimed restore button, and maximization of windows when the size and position are not specified and the screen resolution is below a predetermined threshold or a selected resolution threshold.

Accordingly, Rodden and Buote teach away from each other and the claimed invention; therefore, Appellant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 1, 3–9 and 11–14.

The Office contends that Buote col. 11, lines 15–21 teaches “maximizing window size responsive to changing screen resolution beyond a threshold.” See, *Office Action* mailed 26 December 2006 at page 7. As explained above, Buote fails to disclose altering a window size because all windows are set to be 600x800. The cited portion of Buote discloses changing the display mode to 600x800, which matches the size of all the windows, creates a display effect that renders all the windows in a maximized state. Buote fails to teach or suggest maximizing the window size.

Further, the Office contends that the test of obviousness is what the combined reference would have suggested to those of ordinary skill in the art and cites *In re Keller*, 642 F.2d 413, 208, 208 U.S.P.Q. 871 (C.C.P.A. 1981). See *Office Action* mailed 26

December 2006 at page 8. *Keller* held that a pacemaker having a digital timer was obvious in view of a prior art pacemaker having an analog timer. The Court found that the secondary reference suggested that digital timers were preferable to analog timers because of the accuracy associated with digital timers. The Court reasoned that bodily incorporation of the circuitry disclosed by the secondary reference was not necessary where the primary references provided all other requirements of the claimed pacemaker and the secondary reference was relied on only for suggesting that digital timers may be replaced by analog counters in an analogous environment.

Unlike *Keller*, the instant obviousness rejection does not meet all elements of the claimed invention. The prior art references, even if combined, do not fairly teach, suggest, or provide a motivation for, among other things, the claimed restore button and displaying of a maximized window when the size and position are not specified and the screen resolution is below a predetermined threshold or a selected resolution threshold. Here, Buote and Rodden are concerned with different problems and do not teach or suggest all the elements of the claimed invention (See, e.g., claims 1, 8, and, 14). Rodden, at col. 1, l. 10–15, is concerned with maintaining a preferred position or size for designated windows in response to one or more screen configuration events. In an unrelated field of data management for laboratory or pharmaceutical products, Buote, at col. 1, ll. 5–10 and col. 11, ll. 1–5, provides a user interface design that generates a consistent look for major functional screens for the data management system. Neither Buote or Rodden teaches, suggests, or provides a motivation for the claimed restore button and window maximization method of the claimed invention (See, e.g., claims 1, 8,

and, 14). Accordingly, the alleged combination of the unrelated references, Buote and Rodden, cannot be the basis for a proper *prima facie* case of obviousness.

(i) Claims 1 and 5-7

Appellant respectfully submits, Rodden and Buote, fail to teach or suggest, among other things, “determining, for the window, whether a display size and display screen position are specified for the window . . . if a size and position are specified, rendering the window at the specified size and in the specified position, so that the window is not automatically maximized”; as recited in independent claim 1.

The Office contends that Rodden, at col. 1, ll. 58–59, col. 2, ll. 14–17, and col. 4, ll. 32–47, teaches determining if the display size and position are specified for a window and rendering the window at the specified size and position. See *Office Action* mailed 26 December 2006 at page 8. The Office indicates that the cited portions illustrate a “user selectively specifies certain windows to be displayed at a specified size and position for different resolutions.” See *Office Action* mailed 26 December 2006 at page 8. Appellant respectfully disagrees. The cited portions of Rodden expressly indicate that the user designates a window as “keep visible.” There is no discussion about the user further designating a size or position. Rather, the size and position are re-calculated as indicated by Rodden, at FIG. 5 and co. 4, l. 45–col. 5, l. 5. Moreover, Rodden does not disclose that the windows are rendered in a non-maximized state at the specified size and position when the window size and position are specified.

Similarly, Buote fails to disclose the claimed requirement for determining if the display size and position are specified for a window and rendering the window at the specified size and position to generate the non-maximized window. Buote, at col. 11, ll.

15–20, discloses window constraints where all windows are maximized at a 600x800 resolution. Buote does disclose window-mode windows, but there is no indication that a size and position are checked when rendering the window-mode windows. In window-mode, each window is in the maximized state because they are rendered at the size of 600x800.

Additionally, Buote and Rodden fail to teach or suggest, among other things, when the size and position are not specified, “comparing the screen resolution against a pre-determined threshold value; and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value, wherein the screen resolution does not change.”

The Office concedes that Rodden fails to teach the claimed requirement of automatically maximizing the size of the window. See *Office Action* mailed 26 December 2006 at page 3. However, the Office contends that Buote, at col. 11, ll. 15–21, discloses the claimed automatic maximization. *Id.* Appellant respectfully disagrees. The cited portion of Buote details uniform maximization when the screen resolution is 600x800 and the size of the window is specified to be 600x800. Nothing in Buote teaches or suggests comparing a screen resolution against a predetermined threshold value to maximize the size of a window when the screen resolution is below the predetermined threshold. Buote fails to teach or suggest a predetermined “threshold” and maximizing the window based on a comparison of the screen resolution to the predetermined threshold. Buote fails to expressly or inherently disclose the ability to intelligently maximize the size of a window based on a comparison.

Finally, neither Rodden or Buote teaches or suggests executing the claimed elements of the method of independent claim 1 when the screen resolution does not change. Rodden, at col. 4, ll. 20-30 and 40-50, expressly indicates that the resizing and repositioning occur in response to a change in screen resolution. Similarly Buote, at col. 11, ll. 17-21, teaches the screen resolution changes. Thus, both Rodden and Buote fail to teach or suggest all elements of independent claim 1.

Contrary to the Office's contentions, both Rodden and Buote fail to teach, suggest or provide a motivation for the claimed selective window maximization. The invention of independent claim 1 requires, among other things, comparing the screen resolution against a pre-determined threshold value; and automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value. Unlike Rodden and Buote, alone or in combination, the invention of claim 1 provides selective maximization based on screen resolution and whether a window size and position are specified. The prior art, including Rodden and Buote, fail to teach or suggest all elements of independent claim 1. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of claim 1.

Claims 5-7 depend from independent claim 1 and further define novel features of the claimed invention. Accordingly, claims 5-7 are allowable over Buote and Rodden for at least the reasons set forth above with respect to independent claim 1. See 37 C.F.R. § 1.75(c) (2006).

(ii) Claim 3

Claim 3 depends from independent claim 1 and further defines novel features of the claimed invention. Accordingly, claim 3 is allowable over Buote and Rodden for at least the reasons set forth above with respect to independent claim 1. See 37 C.F.R. § 1.75(c) (2006).

Additionally, Appellant respectfully submits, Rodden and Buote, fail to teach or suggest, among other things, “if a size and position are not specified, determining if the window is capable of being maximized on the display screen; and if the window is incapable of being maximized, rendering the window in a non-maximized size on the display screen, so that the window is not automatically maximized”; as recited in dependent claim 3.

The Office contends that Rodden, at col. 1, ll. 28-31 and col. 4, ll. 32-42, in combination with Buote, teaches or suggests determining if the window is capable of being maximized when a size and position are not specified. Appellant respectfully disagrees. Rodden, at col. 1, ll. 60-65 and col. 2, 9-15 expressly discloses that a size and position are specified for a window that is being resized and repositioned. At best, Rodden, at col. 4, ll. 30-40, teaches that a user may designate utility windows and tool palettes as “keep visible” to prevent resizing and repositioning. Rodden fails to teach or suggest that the window is incapable of being maximized or lacks a specified size and position.

Unlike Rodden and Buote, alone or in combination, the invention of dependent claim 3 provides selective maximization based on whether a window size and position are specified and whether the window is designated as capable of maximization. The

prior art, including Rodden and Buote, fail to teach or suggest all elements of dependent claim 3. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of dependent claim 3.

(iii) Claim 4

Claim 4 depends from independent claim 1 and further defines novel features of the claimed invention. Accordingly, claim 4 is allowable over Rodden and Buote for at least the reasons set forth above with respect to independent claim 1. See 37 C.F.R. § 1.75(c) (2006).

Additionally, Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, “wherein the window has a restore button, the method further comprising: determining if the restore button has been initiated; and if the restore button has been initiated, reducing the size of the window on the display screen by a pre-determined amount”; as recited in dependent claim 4.

The Office contends that Rodden inherently teaches or suggests a restore button. See *Office Action* mailed 26 December 2006 at page 4. Alternatively, the Office takes “Official Notice” that implementation of a window sizing button is well known and would have been obvious to one of skill in the art for controlling the size of the window. The Office concludes that Appellant’s button (214) is the restore button and that Buote, at FIG. 4, expressly teaches or suggests the restore button of dependent claim 4. See *Office Action* mailed 26 December 2006 at page 8.

Appellant respectfully disagrees. Button (214) is not the restore button. Rather, Button (238) is the restore button. See *Appellant’s Specification* at page 11, ll. 15-20. Contrary to the Office allegations, nothing in Rodden or Buote expressly or inherently

teaches or suggests a restore button as defined by dependent claim 4. Probabilities do not support an inherency argument. See *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.) (Fed. Cir. 1999).

The Office is asked to provide a basis in fact or technical reasoning to support the conclusion that utilizing the restore button as required by dependent claim 4 is an inherent characteristic that flows from the teachings of Rodden and Buote. Alternatively, the Office is asked to provide evidence to support its statement of Official Notice. See MPEP 2144.03 (2006).

Buote, at FIG. 4, fails to teach or suggest a restore button as required by invention of dependent claim 4. Buote, at col. 11, ll. 25-30, expressly teaches there is no maximize button on the windows. Noting in Rodden or Buote fairly teaches or suggests reducing a window by a predetermined amount when a restore button is initiated.

Unlike Rodden and Buote, alone or in combination, the invention of dependent claim 4 provides a restore button that reduces a window by a predetermined amount. The prior art, including Rodden and Buote, fails to teach or suggest all elements of dependent claim 4. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of dependent claim 4.

(iv) Claims 8, 12, and 13

Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, “determining, for the window, whether a display size and display screen position are specified for the window . . . if a size and position are specified, rendering the window at the specified size and in the specified position”; as recited in independent claim 8.

As discussed above with respect to independent claim 1, Rodden and Buote, alone and in combination, fail to teach or suggest a window having an unspecified position and size. Rather, Rodden and Buote teach windows having specified sizes and positions. Thus, Rodden and Buote, alone and in combination, fail to teach or suggest determining, for the window, whether a display size and display screen position are specified for the window.

Additionally, Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, when the size and position are not specified, “automatically maximizing the size of the window on the display screen if the current screen resolution is below the selected resolution threshold, wherein the current screen resolution does not change”; as recited in independent claim 8.

The Office concedes that Rodden fails to teach or suggest automatically maximizing the size of the window as required by independent claim 8. However, the Office contends that Buote, at col. 11, ll. 15–21, discloses the claimed automatic maximization. Appellant respectfully disagrees. The cited portion of Buote details uniform maximization when the screen resolution is 600x800 and the size of the window is specified to be 600x800. However, unlike Buote, the invention of claim 8 expressly

indicates that window maximization occurs **when a size and position are not specified** and the current screen resolution is below a selected threshold.

Contrary to the Office's contention, both Rodden and Buote fail to teach, suggest, or provide a motivation for the claimed selective window maximization. The invention of independent claim 8 requires, among other things, determining whether a window size and position are not specified, and maximizing a window size when the current screen resolution is below a selected resolution threshold and the size and position are not specified. The prior art, including Rodden and Buote, fails to teach or suggest all elements of independent claim 8. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 8.

Claims 12–13 depend from independent claim 8 and further define novel features of the claimed invention. Accordingly, for at least the reasons set forth above with respect to independent claim 8, the obviousness rejection for claims 12–13 should be withdrawn. See 37 C.F.R. § 1.75(c) (2006).

(v) Claim 11

Claim 11 depends from independent claim 8 and further defines novel features of the claimed invention. Accordingly, claim 11 is allowable over Buote and Rodden for at least the reasons set forth above with respect to independent claim 8. See 37 C.F.R. § 1.75(c) (2006).

Additionally, Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, “wherein the window has a restore button, the method further comprising: determining if the restore button has been initiated; and if the restore

button has been initiated, reducing the size of the window on the display screen by a predetermined amount”; as recited in dependent claim 11.

As discussed above with respect to dependent claim 4, Rodden and Buote do not inherently or expressly teach or suggest a restore button. Additionally, Appellant respectfully requests the Office to provide a basis in fact or technical reasoning to support its inherency rejection. See *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Moreover, because Rodden and Buote fail to teach or suggest the restore button, Appellant respectfully requests the Office to withdraw its statement of “Official Notice” or to provide evidence to support its statement. See MPEP 2144.03 (2006).

Contrary to the Office’s allegation, Buote, a FIG. 4, fails to teach or suggest a restore button as required by invention of dependent claim 11. Buote, at col. 11, ll. 25-30, expressly teaches there is no maximize button on the windows. Nothing in Rodden or Buote fairly teaches or suggests reducing a window by a predetermined amount when the restore button is initiated.

Unlike Rodden and Buote, alone or in combination, the invention of dependent claim 11 provides a restore button that reduces a window by a predetermined amount. The prior art, including Rodden and Buote, fails to teach or suggest all elements of dependent claim 11. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of dependent claim 11.

(vi) Claim 14

Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, “determining, for the window, whether a display size and display screen

position are specified for the window . . . if a size and position are specified, rendering the window at the specified size and in the specified position”; as recited in independent claim 8.

As discussed above with respect to independent claim 1, Rodden and Buote, alone and in combination, fail to teach or suggest a window having an unspecified position and size. Rather, Rodden and Buote teach windows having specified sizes and positions. Thus, Rodden and Buote, alone and in combination, fail to teach or suggest determining, for the window, whether a display size and display screen position are specified for the window.

Additionally, Appellant respectfully submits, Rodden and Buote fail to teach or suggest, among other things, when the size and position are not specified, “automatically rendering the window in a maximized size on the display screen, if the window is capable of being maximized and determining if the restore button has been initiated when the window is a maximized size; and reducing the size of the window on the display screen by a pre-determined amount, if the restore button has been initiated”; as recited in independent claim 14.

The Office contends that Buote, at FIG. 4, teaches the claimed restore button that is functional when the window is in a maximized state. Appellant respectfully disagrees. Buote, at FIG. 4 and col. 11, ll. 25–30, expressly indicates that the window does not have a maximize button. As detailed above, Buote details two modes of operation: (1) maximized-mode, when the resolution is 600x800, which matches the window size, and (2) window-mode, when the resolution is above 600x800, which is greater than the window size. In the maximized state or window-mode, Buote does not disclose the

claimed restore button. At best Buote, at col. 11, ll. 25–30 and FIG. 4, discloses a window with a back button and a minimize button, but lacks a maximize or restore button.

Unlike Rodden and Buote, the invention of claim 14 provides a maximized window with a restore button that reduces the size of the maximized window by a predetermined amount when the size and position of a window are not specified. The disclosures of Rodden and Buote do not fairly teach, suggest, or provide a motivation for the claimed restore button. Accordingly, for at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 14.

Appellant respectfully submits that claims 1, 3-9, and 11-14 are in condition for allowance. As such, Appellant respectfully requests that the rejection of the claims be reversed and that a timely Notice of Allowance be issued in this case. Should there be any unresolved matters, please contact the undersigned.

Respectfully submitted,

Date: 29 April 2008.

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VIII. CLAIMS APPENDIX

1. (Previously presented) A method in a computer system for displaying a graphical window on a display screen having a screen resolution, comprising:

determining, for the window, whether a display size and display screen position are specified for the window;

if a size and position are specified, rendering the window at the specified size and in the specified position so that the window is not automatically maximized;

if the size and position are not specified, determining the screen resolution for the display screen;

comparing the screen resolution against a pre-determined threshold value; and

automatically maximizing the size of the window on the display screen if the screen resolution is below the pre-determined threshold value, wherein the screen resolution does not change.

2. (Canceled)

3. (Previously presented) The method of claim 1, further comprising:

if a size and position are not specified, determining if the window is capable of being maximized on the display screen; and

if the window is incapable of being maximized, rendering the window in a non-maximized size on the display screen, so that the window is not automatically maximized.

4. (Original) The method of claim 1, wherein the window has a restore button, the method further comprising:

determining if the restore button has been initiated; and

if the restore button has been initiated, reducing the size of the window on the display screen by a pre-determined amount.

5. (Original) The method of claim 1, wherein the predetermined threshold value is 800 pixels by 600 pixels.

6. (Original) A computer-readable medium having computer-executable instructions for performing the method recited in claim 1.

7. (Original) A computer system having a processor, a memory, and an operating environment, the computer system operable to execute the method recited in claim 1.

8. (Previously presented) In a computer system having a graphical user interface including a display screen, a method of displaying information on the display, comprising:

creating a viewing window for the display of information on the display screen;

determining, for the window, whether a display size and display screen position are specified for the window, and if a size and position are specified, rendering the window at the specified size and in the specified position, and if not,

determining current screen resolution;

comparing current screen resolution with a selected resolution threshold; and

automatically maximizing the size of the window on the display screen if the current screen resolution is below the selected resolution threshold, wherein the current screen resolution does not change.

9. (Original) The method of claim 8, wherein the creating step is performed through an application programming interface call, and wherein said determining step is performed by monitoring the application programming interface call.

10. (Canceled).

11. (Original) The method of claim 8, wherein the window has a restore button, the method further comprising:

determining if the restore button has been initiated if the window has been maximized; and

if the restore button has been initiated, reducing the size of the window on the display screen by a pre-determined amount.

12. (Original) A computer-readable medium having computer-executable instructions for performing the method recited in claim 8.

13. (Original) A computer system having a processor, a memory, and an operating environment, the computer system operable to execute the method recited in claim 8.

14. (Previously presented) In a computer system having a graphical user interface including a display screen, a method of displaying information on the display, comprising:

creating a viewing window for the display of information on the display screen,
wherein the window has a restore button;

determining, for the window, whether a display size and display screen position
are specified for the window, and if a size and position are specified, rendering the
window at the specified size and in the specified position, and if not,

determining if the window is capable of being maximized on the display screen;

automatically rendering the window in a maximized size on the display screen, if
the window is capable of being maximized and determining if the restore button has been
initiated when the window is a maximized size; and

reducing the size of the window on the display screen by a pre-determined
amount, if the restore button has been initiated.

15–16. (Canceled).

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED-PROCEEDINGS APPENDIX

Not applicable.